P ML

1931

App F IX 4

1933-32
( ML )

File No 8 4-31

*Previous References*

ML 63-32, 236, 237, 238, 239
24-31 1-6 240
48-15, 1, 7, 15, 18

Serial Nos 3, 6, 7, 16, 18, 24, 25,

*Later References*

ML 185-33 8 12, 13, 14

PRESERVED

P-19

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos* Seven

**Part B for** June 34

**SUBJECT.**

By-laws framed by the Bangalore City Mun. Cl for the preparation of plans of buildings and the grant of building licenses in Bangalore City

Sl 25) Rr. L 9121 dy 29-6-34

The Mun. Comm. B. City through the President

Requests that the by-laws may be revised in the light of the suggestions given and Subs. to Govt for appl

R. P
27.7.34

GOVERNMENT OF MYSORE

# DEPARTMENT OF HEALTH

## BUREAU OF SANITARY ENGINEERING

A 323

J V KARVE MB, ChB, DPH,
*Director of Health*

H.F.Marker, L.C.E., M.R.San.I.,
*Executive Sanitary Engineer*

J MIELDAZIS B Sc C E
*Rockefeller Foundation*
*Sanitary Engineer*

Ml 84-31-3

D.O. No 34

"GRACE" MILLER" PALACE ROAD,

Encl

*Bangalore, (S India) dated* 15th July 19 17

GENERAL SECRETARY
17 JULY 1931

The General Secretary to the
Government of Mysore, BANGALORE

RJ 17/7/31 JE

Sir,

I am directed to bring to your notice the following resolution of the Meeting of the Town Planning Committee held on 2nd July 1931.

"In the interest of having good buildings in Municipal Towns, it was resolved by the Committee to move the Government to advise the Municipalities to pass bye-laws to secure the following objects

i. That all plans of buildings submitted to the Municipality for grant of licenses should be prepared by a qualified practitioner who should be licensed by the Municipalities.

ii. That the authority for granting the licenses should be vested with the Engineer and the Health Officer combined and not the Health Officer alone They should also see that the proposed building in addition to satisfying the conditions specified by rules or regulations fits into the general schema of layout, if there be any."

The Committee desires that all Local Bodies should be informed of the above resolution and advised to act accordingly.

In Municipalities where there is no Health Officer or Engineer, the licensing authority may vest in the hands of a small Committee of which the local P.W.D.Officer and the Medical Officer in charge of the Hospital should be members.

The Committee express the hope that a beginning would be made early in the Cities of Bangalore and Mysore

I have the honour to be,
Sir,
Your most obedient servant,

Secretary,
Town Planning Committee.

JE.

Cat 16/7

General and Revenue Secretariat

323 App F. [II—2]

No. File No 84 of 1931

Serial No

- Ot- mind - communicating the annual results of the ~~Bengalore~~ Town and minor Mundy's in the Bep Comm and the two Municipalities of Bangalore and enquire for information and guidance

2nd Member) 3 8 31

1/8/31
2

I am not sure that this is practicable in the case of several of the Municipalities - I think we see a complete set of the results passed by this Committee - ~~answer for~~ How many meetings have been held ? Arrange putting the proceedings ?

by
5/8/31

RB
5/8/31

3

Proceedings of the Town Planning Committee meetings are not usually received at the Secy of the T P Committee must for appl

6/8/31 4 Issue

12 8 3

C/L No. 1368

TYPING SECTION
12 AUG 1931

NOTE—Contn Sheet

2nd File No 84 of 1931

2 1211 dy 15-8-31 6

To the Secy, Town Planning Committee, Kolaba

Requests him to send a complete set of the resolutions passed so far by the Committee and enquires how many meetings of the Committee have been held till now.

Letter no 115 dy 20-8-31 from the Secy Town Planning Committee Kolaba submits a copy of the proceedings of the meeting held on 2-7-31 containing all the resolutions passed thereat 7 Insp A 19/8

GEN & REV SEC) 21 AUG 1

5 Submitted with reply to Members Minute at para 2 supra. No other proceedings of the Committee have been received in the Secretariat as this is the first meeting

MK 29/8/31

2nd Member 1/9/31

U-24 2-9-31

6 Please send this the QL Sect as the matter is impl. The feasibility of taking action on the lines recommended has to be examined

SJR 5/9

7 Please bring up work re constituting the Committee

FK 7-9

8 Rep no 2 of 1705-16 and 226-31 dy 17-9-31 announcing the Committee is pleased to approve the re-solution of the T P committee as set

Insp A 12/9

Serial No

that with a view to have good buildings in Mofussil, & out many adverse rules also to frame bye laws for the following purposes -

1 That all plans submitted to Mofussil should be prepared by a qualified practitioner to be licensed by the Municipality &

2 - That the authority to grant licenses should vest not only with the Health officer only but - That the Engineer should also be combined etc.

Regarding the first condition, reference is invited to Section 96 of the Municipal Act under which the builder of a building has to send with a plan showing certain details but it is not required to be prepared by a qualified practitioner under Section 48 (5) but may however frame Bye laws for prescribing the qualifications of Surveyors or persons by whom plans required under Section 96 are to be prepared

NOTE—Contn Sheet

No such representations have been made in the

bye laws in force in the two cities. In the case of the Mysore City there is a provision in the Bye laws that of the party requires, the Mal draughtsman will be ordered to prepare the necessary plans on payment of ¼ p.c. of the estimated cost of the building. In the case of the Town & Minor Municipalities it is for consideration if such a provision is practicable or feasible

2) Regarding the second condition it is the Mal Ct that has to grant the licence ordinarily. In the case of the Bangalore City Municipality, the power of granting licenses has been vested in the Mal Comr. under Section 186 (2) & it is probable that he has delegated the power to the Health officer under Section 186 If this is so the Health officer may be instructed to consult the Mal Engr before granting a licence where there is no Mal Comr. for Mysore city & the Municipal Engr may be consulted about the Committee's proposal

14.9.31 (10) Gen Secy)

14.9.31

GENERAL SECRETARIAT
No. 24
1931

970 ✓
L

App. F. III—21

General and Revenue Secretariat — File No 84 of 1931-32

Serial No

11) The Committee members there deliberately had a beginning may be made in the cities of Bangalore & Mysore. The Mr Comm Bangalore & the President Mysore Mty may be consulted as to the best way of giving effect to these proposals. The other Municipalities need not be thought of in this connection for the present.

Members

12) I agree

A. A for draft MM 6/10

SJ 3/10 MM 3/10

13) The new proposal submitted MM 8/10 for Kind perusal before issue

Gen Secy) 9.10.3

Issue 13.10.31

OFFICE OF THE SECRETARY TO THE GOVERNMENT OF COUNCIL
29 SEP 1931
No. 4464

GENERAL SECRETARIAT
9 OCT 1931
No. 2701

TYPING SECTION
13 OCT 1931
GENL. & REV SECTT.

Note Contd Sheet

WD 02553—50,000—GPB—8-7 30

470

| | |
|---|---|
| Rel File No 84 of 1931 | General and Revenue Secretariat |

No 1 2968-9 dy 17-10-31 | 16
To the Mel Comr, Bang city
The Pdt. Mysore city-Mel
Requests him to consider and ultimately
to find the best way of giving effect to
the proposals
Letter 220 G.T 859 dy 9-12-31 | 18
Pres. Mysore city Mel.
Forwards the resolution of
the Mel on the proposal
made by the T-P Committee
Reply from the Bangalore
city Mel is awaited

12 12 31

12-12-31

Sec. A 14/12

~~Despatch Demi-official reminder to the Municipal Commissioner~~

16/13 Reminders were issued to the Municipal Commissioner, Bangalore city and he has replied in his letter No Cy To 382 dated 26-6-33 that the matter is still under the consideration of the Municipal Council. It is for orders if the case has still to be continued in this or whether this can be recorded for the present and taken up when a reply is received

Rem 7/9 AV

16a) Please put up a D.O. letter to the Commr Engineering when the reply may be expected

11/8

Serial No

26 D.O. Reminder sent as directed

Rmr 4/9 J Sene AL 11/9

24 There was another file in this unit some months ago relating to the question of having Engineering Graduates also as licensed persons for preparing plans & estimates for intending house builders in the city limits. After consideration of the reports received from the two Heads, the papers were filed. The Committee file may be perused.

Asm 13/9

27) File No ME 63-32 ols 236-240 relating to the question of recognising some qualified men as Licensed Architects for the preparation of plans of houses etc is put up as directed.

Rmr 13/9 AM

Issue Draft Rem

Asm 18/9

TYPING SECTION 21 SEP 1933 FIL & REV SECT

Issued DL 22228 & 25-9-33

24 Letter no. L To 149 dated 1/11/33 from the Commissioner, Bangalore city, forwarding copies of resolutions of Bye-laws Committee and the meeting approving the bylaws framed by the said under Sec 5(1)(z) of the Mysore Municipalities Rules 1933, so as to give effect to the proposals of Town planning committee for the preparation of plans of buildings and the grant of building licenses

24 Submitted with reference to Para 12

NOTE—Contn Sheet

83 AM 8/11

WD 70—GBPM—60 000—13 8-34

Refer paras 11 & 12 Supra

7 J --- Regarding Mysore City Mcl, reference is invited to the letter of the President dt 9 12 31 stating that the scheme of licensing would be inconvenient. That the licenses are being given by the Mc Engineer in consultation with the Health Officer & that no special rules are necessary ---

--- 8/3 The Bangalore City Mcl has proposed draft byelaws in regard to the grant of building licenses in the City on the lines of the resolution of the Town Planning Standing Committee. There are already byelaws in force in this Mcl for licensing Surveyors or other persons to prepare plans required to be produced to the Mcl for the grant of building licenses, but they do not make it obligatory on the part of the applicants to get their plans prepared by licensed men That the Mcl have not been in favor of restricting on the production of plans prepared by licensed persons only is also seen from their resolution dt 18 4 1932 in G G file 24-31 part ch

9) The draft byelaws now proposed by the Mcl lay down that every plan furnished to the Mcl under section 115 of the City Mcipal Regn shall be prepared by a person who has obtained a license in this behalf from the Municipal council and prescribes the conditions under which such licenses will be granted or renewed These byelaws are evidently intended to supersede those framed under the Regn of 1906 referred to above. If they are considered suitable, the Mc Comr will have to be asked to modify them

S

Reference is also invited to the President's letter no G & 733 dt 8 11 32 stating that although it is necessary to have some architect licensed for preparation of plans, the grant of building licence need not be made obligatory on the production of plans from licensed persons only

Flag I

T

(+) Prepared under the Mcl Regn of 1906 & approved by Govt in their order dt 12.2.1918 (Mc 48-15-18)

Serial No

for objection, if any, from the public & table, action
be set the bylaws finally approved.

2/ The resolution of the Town Planning Committee also requires that the applications for granting licences should be vetted both the Engineer & the Health Officer. Combined and not the Health Officer alone. The Municipal letter under disposal does not say anything on the point, but it is learnt that licences are issued by the Health Officer in consultation both the Municipal Engineer & Subd with reference to orders in paras 11 & 12 supra. The law section may be consulted if the draft bylaws proposed are in order

GEN 21 DEC 1933 No 931

of 7/12/33

3/ Notrecy. I think 30 days for consideration of the Report of Committee should be invited as to prepare similar bylaws.

Forwarded

30/12/33

Secy)

21/12

Lawsecr)

21/12/33

Leave file refer letter submission

3/ Bye law (1) ~~states~~ requires every plan to be furnished under Sec 115 to be prepared by a person duly licensed in this behalf. Sec 115 provides for a plan being furnished only if it is so reqd by a bylaw or special order. It is bylaw (2) of the building bylaws sanctioned in Govt order No L 1839/III 84-25-153 dated 24 Sept 1927 that requires the plan

NOTL—Contn Sheet

as prescribed therein to be furnished. Byelaw (1) now proposed therefore has to refer to byelaw (2) of the bye-laws rather than to sec 115. Moreover a byelaw such as byelaw (1) comes under sec 51(w) rather than under cl (2) of the said section. I would therefore suggest byelaw (2) of the building byelaws above referred to being amended as follows, instead of having a new byelaw (1) as now proposed :-

"Such notice shall be accompanied with a site plan in duplicate of the land on which the structure is proposed to be built drawn ~~by a draftsman of not less than 2 years~~ experience and made by a person duly licensed under byelaws framed under sec 51(z) and to a scale of not less than 20 feet to an inch, showing ... etc."

---

34 The byelaws now proposed prescribe the duration of one year during which the licences granted thereunder are to be in force. In this respect they follow the byelaws now in force framed under sec 48(s) of the old Regulation and also ~~the~~ G.O.'s model byelaws under sec 48(q) of the Bombay Act. But I doubt if ~~under~~ under sec 51(z) thereof of the City M. Regn of 1933, which of course is the same

Serial No

as sec 48(s) of the Mo Motor Regn or sec 48(g) of the Bombay Act; a bye law can be framed fixing the duration for the license In this connection reference is invited to a decision of the Bombay High Ct reported in A I R 1922 Bom 42. That case dealt with the validity of a rule made under the Motor Vehicles Act prescribing a period during which alone a registration certificate is to be valid. The Act empowered as it then stood, empowered rules being made "providing for the registration of the motor vehicles and the conditions subject to which such vehicles may be registered, the fees payable for such registration etc. The Bombay High Ct held that under this power, a rule cannot be made fixing a time limit in the registration certificate. They observed that "where it was intended to give power to make rules prescribing a time limit, it was expressly given to that effect" and that the power to prescribe conditions "does not by implication give a power to prescribe by rule the duration of time during which a certificate of registration shall be valid."

35 Now under sec 51(z), bye laws may be framed for licensing persons to be surveyors and fixing the fee chargable for such licenses; and for modifying the provisions of or revoking such licenses There is no provision made for fixing the duration of such licenses & I therefore think that the principle of the Bombay ruling cited above applies

NOTE—Contn Sheet

WD 0434—GPB—15 000—12-10-83

3506
1

File No of 193

General and Revenue Secretariat

Serial No

Re a No p/1839/3.
dated 24th Jan. 13

259
Law

The point however is somewhat important and not free from doubt. The file is therefore forwarded with compliments to the Government Advocate for favour of his views in the matter and for any suggestions regarding the validity or otherwise of the other bye-laws now submitted by the M' Cl for scrutiny.

Dorjeraj Rao
26/1/34

GOVT. ADVOCATE
PANAJI GOA

No 616/20 24
of 26/1/34

Returned with Compliments

No reg 1157/33-34
dy 17.3.34

1. The suggestions made by the Assistant Secretary re bye-law No 1 may be accepted.

2) A doubt has been raised in the light of the decision reported in A.I.R. 1922 Bombay 42 whether the Council can pass a bye-law fixing the duration of the licenses granted under Section 51(z) of the new Regulation and whether fresh fees could be levied whenever the licenses are renewed

The decision in A.I.R. 1922 Bombay is under the Motor Vehicles Regulation in connection with a penal clause, as an infringement of the bye-law exposed the party to a criminal action. The learned Judges laid down that such clauses or bye-laws should be strictly construed and held that the bye-law was ultra vires.

The bye-laws now proposed are however not of a penal nature The observations in Maxwell's - Interpretation of Statutes at pages 524 and 525 may be helpful in this connection.

"In

Serial No.

"In determining the validity of bye-laws made by public representative bodies under statutory powers their consideration is approached from a different stand point from bye-laws of Railway or other like companies which carry on business for their own profit although incidentally for the advantage of the public. Courts of justice are slow to condemn Municipal bye-laws as invalid on the supposed ground of unreasonableness and support them if possible by a 'benevolent' interpretation and credit those who have to administer them with an intention to do so in a reasonable manner," and at page 530 he says as follows -

"The principle of strict construction is less applicable where the powers are conferred on public representative bodies for essentially public purposes."

40 Section 51(z) empowers the Council to make rules for the granting of licenses and for levy of fees therefor. There is no reason why the license granted should not be limited for a particular period. There are instances in which time limit is fixed, for example, the period of six months within which a building should be constructed in the case of building licenses.

41 Cumming at page 278 referring to a license, says that "it is in some sense synonymous with "permission ..... and is generally renewable after a perio

42 There seems to be therefore no objection to fix a time during which the license granted shall be current or shall be in force.

43 But as regards the levy of fees for renewals, there seems to be some difficulty. A fee could be charged for

NOTE—Contn Sheet

charged for a license only under old Section 48(s), the present new Section 51(q).

44 Referring to 48(1)(B) of the Bombay Act Cumming says at page 168 "This does not authorise the Municipality to make a bye-law, that recurring fees should be levied for the use of such places. The imposition of such fees would amount to a tax &c," A fee charged for a renewal might be in the nature of a recurring fee and would therefore seem to be invalid in the light of the above observations of Mr. Cumming. In order to avoid this difficulty, the period for which a license may be granted might be fixed so that at the expiry of such period the applicant will have to take out a fresh license paying a fresh fee.

Re: Rules 7 and 10 -

45 Rule 1 lays down that the required plan shall be prepared by a person who has obtained a license from the Municipal Council. The power of granting a license is therefore given to the Municipal Council.

46 Rule 5 empowers the Municipal Commissioner to renew such licenses and does not empower him to grant them.

47 Rule 7 however empowers the Municipal Commissioner to refuse to grant a license for reasons specified therein. If it is also meant to give the Commissioner power to grant licenses, Rule 1 will have to be suitably amended.

48 Rule 10 provides for an appeal to the Council in general terms against an order refusing to grant or renew a license or revoking a license.

There

| | | |
|---|---|---|
| | **For 1931-32** | |
| 16-9-31 | From November 30 to end of April 31 | 53,462 2 0 |
| 7-6-32 | For May 1931 | 8,930 13 0 |
| 22-6-32 | For June, July and August 31 | 28,805 6 0 |
| | Total Rs. | 91,198 5 0 |
| | **For 1932-33.** | |
| 16-2-33 | For September, October & November 31 | 24,699 7 0 |
| 23-6-33 | From December 31 to April 32 | 36,183 11 0 |
| | Total Rs. | 60,883 2 0 |
| | **For 1933-34.** | |
| 18-8-33 | For May and June 1932 | 24,547 10 0 |
| 27-4-34 | For July, August, September 32 & & July 33. | 31,242 14 0 |
| 30-5-34 | For October and November 32. | 18,393 2 0 |
| 30-6-34 | For December 32 | 8,886 14 0 |
| | For January 33 (part payment) | 3,174 10 0 |
| | Total Rs. | 86,245 2 0 |
| | Total for five years ... Rs. | 4,05,619 11 6 |

Preparation of Plans of Buildings & the grant of Building Licences

General and Revenue Secretariat — File No 84 of 1931-32 — [App F III—2

Serial No

45 There could be no appeal to the Council in cases in which the Municipal Council itself refuses to grant a license.

50 Rule 10 will have to be modified so as to provide for an appeal only against the order of the Commissioner.

259 Laws

M Macgregor Esqr
Government Advocate

CSN/17.3.34

Asst-Secy L&G with Comrs 20/4 19.3.34

51 The case-Walker will please bring up

21/3

Read 5/4

52 Please put up a Draft letter to the Mun' Comrs reporting that the suggestions made in the Govt Advocate's note may be adopted & the Draft Bylaws revised and that action may be taken to notify the revised Draft for objections and send the same for the final approval of Govt with the opinion of the Council on the objections received

Asst 8/4

53 A draft letter to the Municipal Commrs as put up for approval.

Asst 8/5/34

54 Instead of sending the copy of the Govt Advocate's note, which perhaps will not make the suggestions clear, the suggestions may be incorporated in the draft. Please revise the drafts as & submit early.

Asst 9/5

NOTE—Contn Sheet

WD 70—GBPM—60 000—13 8-31

Nil File No 84 2031 / 1 2031/2 of 1931-32 General and Re aue Secretariat

55

A draft letter is putup for Consideration Refce para 54 supra

from 24/5/34

Typed draft is putupfor approval.

from 30/5/34

57 maybe approved

Dy Secy) Chief Secy)

(Mayb submd to 2nd Member before (illegible)

II Member)

23/6

to be typed

Dir Ch Sec

Dy Secy (illegible)

Dir 21/5

DEVELOPMENT SEC. 5 JUN 1934 84

CHIEF (illegible) SECT.

20 JUNE 1934

OFFIC OF THE SECOND MEMBER OF COUNCIL. 21 JUNE 1934 No 6867

TYPING SECTION 25 JUN 1934 GEN. & REV. SECTT

To the Municipal Commr Bhowali No L 9121 dt 29.6.34

Requests him to revise the bylaws in the light of the observations made therein

B

Dy 26/6/34

I think there are some bylaws already in force in the place eg Rly re the Granting building licence. Please peruse the connected file. Perhaps they have been framed under Sec 48(1)(5) of the Munl Regn of 1906

[illegible]
10/11

The file 48-15 & 1, 7, 15 Hdq on the subject is put up herewith. The bylaws have been already flagged (Z)

[illegible]
20/11 AW

Please put up also the file 24-31 Sr 156 & 24-31/16 already put up

[illegible]

AW
3/12

List of enclosures ___

Copied by ___ [illegible] 12/8

Examined by ___

Section 2nd
File No 84 - 31
Serial No 6

No L 1211

To The Secy, Town planning Committee

Sir,

With reference to your letter no 34 dt 17-7-31 forwarding the resolution of the meeting of the Town planning committee held on 2-7-31 re: the preparation of the plans of the dwellings and grant of building licenses, I am directed to request you to kindly send a complete set of the resolutions passed so far, by the committee. I am also to enquire how many meetings of this Committee have been held till now.

Yours faithfully
[illegible]
8.31
12
for Secy

Extract

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

*Dated, Bangalore,* 12th August 1931.

*No* L.121/Genl 82-31-6 15th

*From*

The *General Secretary to the Government of His Highness the Maharaja of Mysore*

*To*

The Secretary,
Town Planning Committee, Bangalore.

Sir,

With reference to your letter No. 34 dated 17th July 1931, forwarding the resolution of the meeting of the Town Planning Committee held on 2nd July 1931, re: the preparation of the plans of buildings and grant of building licenses, I am directed to request you to kindly send a complete set of the resolutions passed so far by this Committee. I am also to enquire how many meetings of this Committee have been held till now.

I have the honour to be,

S i r,

Your most obedient servant,

V Subrahmanyasastri

For General Secretary to Government.

K.M.R.2.
12/8.

GOVERNMENT OF MYSORE

# DEPARTMENT OF HEALTH

## BUREAU OF SANITARY ENGINEERING

V. KARVE, MB, ChB, DPH,
*Director of Health*

H.F.Marker, L.C.E., M.R.San.I.,
*Executive Sanitary Engineer*

J J MIELDAZIS BScCE,
*Rockefeller Foundation Sanitary Engineer*

MC 84-31-7

No 115

"GRACEVILLE" PALACE ROAD,

ncl One Copy of the proceedings of the Town Planning Committee Meeting

*Bangalore, (S India) dated* 19th August 1931

20 & REV. SECTT. ENGL 970 21 AUG 1931 L. S. G. BRANCH.

To

The General Secretary to the
Government of Mysore, BANGALORE.

GENERAL SECRETARY. 20 AUG 1931 No L&C

Sir,

With reference to your No.L 1211/M1.84-31-6 dated 15-8-1931, requesting to send a complete set of resolutions passed by the Committee, I have the honour to enclose herewith, a copy of the Proceedings of the meeting of the Committee which contains all the resolutions passed, for your information

The above meeting was the 1st of its kind and there had been no previous meeting.

I have the honour to be,
Sir,
Your most obedient servant,

15 & 31

Secretary,
Town Planning Committee.

19/8/31.

Proceedings of the 1st Ordinary Meeting of the Town Planning Committee held at the Chief Engineer's Office on 2nd July 1931 at 8-30 A.M.

"""""""""

PRESENT.-

1. Mr.M.G.Rangaiya,B.A.,B.E.,M.R.San.I., (Chairman)
2. " G.H.Krumbiegel, F.R.H.S., Consulting Architect to Government.
3. " J.J.Mieldazis, B.Sc.C.E.,Rockefeller Foundation Sanitary Engineer.
4. " H.F.Marker, L.C.E ,M.R.San.I., Executive Sanitary Engineer (Secretary).

1. The Government Order appointing the Committee was read and recorded.

During the discussion, it was decided that all plans of improvements to Road Junctions which are to be improved more from an aesthetic than a sanitary point of view need not be brought before the Committee.

2. The Modified plan of the Closepet Town Extension prepared by the Executive Engineer, Sanitary and Town Planning Division, was approved. The modification was in the increase of the width of all the sites which were less than 40' in width to a minimum of 40 feet.

3. The layout plan of the Official Quarters of No.6 Irwin Canal Division at Gamanhally was ordered to be modified as suggested by the Committee and the modified plan to be circulated amongst the members.

4. The Committee resolved that theminimum size of the site in any Extension should not be less than 40' in width and 60' in length.

5. While examining the layout plan of Yedatore Town the Committee suggested the shifting of the Markets from their present positions which are almost within the heart of the Extension to outer parts of the Extension to avoid fly nuisance in the heart of the town.

Similarly

Similarly for the Extension of Mandya Town, the Market which is located on the main road be shifted to some other place where it would not interfere with the main traffic.

6. While discussing the layout of Extensions and forming sites, it was pointed out that there are many private lands, the owners of which desire to open them out for building purposes by dividing the land into sites. It was resolved that all such lands should be acquired by the Municipality for the proper control of building operations on them as per Municipal Regulations and for providing proper roads, light and sanitary conveniences which if left to the owners of the land, would never be done properly.

7. In the interest of having good buildings in Municipal Towns, it was resolved by the Committee to move the Government to advise the Municipalities to pass bye-laws to secure the following objects

i. That all plans of buildings submitted to the Municipality for granting licenses should be prepared by a qualified practitioner who should be licensed by the Municipalities.

ii. That the authority for granting the licenses should be vested with the Engineer and the Health Officer combined and not the Health Officer alone. They should also see that the proposed building in addition to satisfying the conditions specified by rules or regulations fits into the general scheme of layout if there be any.

Sd. H.F.Marker,
Secretary,
Town Planning Committee.

&&&&&&&&&&
"COPY"

15 8-31

Secretary,
Town Planning Committee.

Appendix F G—1]

SUBJECT

Section 2nd

File No 84-31

Serial No 16

*Diary No of letter replied to*

No L 29689 Secret

To The Secretary, Board of Trustees

The President, Improvement Trust

Sir,—

I am forwarding herewith copy of letter no 3617-7-31 from the Secretary, T.P. Committee forwarding the resolution passed at the meeting of the Committee held on 2/7/31 regarding the preparation of plans, and the grant of licenses, I am directed to state that the Board have approved of the proposals of the Committee and to request you to do the needful as to consider and intimate to the Board the best way of giving effect to these proposals in connection with the matter.

I have the honour to be

Sir,

Your obedient servant,

9.10.31

for Secretary,

General and Revenue Secretariat

( )

*the* *193*

Date of issue 17/10

Signed by Mr V.S. Sastry

Consider that a beginning may be made in the line of B' Cove & Mayan as proposed by the Committee.

List of enclosures

Copied by

Examined by

WD 71—GBPM—40,000—20 7 31

P. Two

MQL 870/20

Maj Gen Grey, T.P. Committee
correspondence ending with
formation with ref to his letters
15
26 of 20.8.31.

By order

for Gen. Grey

Capt
8/10.

Maj
8/10

M-84-31-18

No 9T859
Enc.

OFFICE OF THE PRESIDENT.
City Municipal Council, Mysore
Dated 8th December 1931.

From

T.G.RAMA IYER, Esq., B.A.,
PRESIDENT, City Municipal Council,
MYSORE.

To
The Secretary to Government,
GENERAL DEPARTMENT,
BANGALORE

Sir,

With reference to your letter No.L2968-8 9-M1.84-31-16 dated 17th October 1931, forwarding copy of letter No.34 dated 17th July31, from the Secretary, Town Planning Committee, forwarding the Resolution passed at the meeting of the Committee held on 2nd July 1931 regarding the preparation of plans of buildings and the grant of licenses, and requesting to consider and intimate to Government the best way of giving effect to these proposals in the Mysore City in consultation with the Municipal Council, I have the honour to state that the Municipal Council have passed the following Resolution ( No.156 dated 28th November 1931) on the subject -

Resolved that Government be informed (1) that there is already provision in the Bye-laws for the Municipal Draughtsman preparing plans when required for the public, that the scheme of licensing would be inconvenient as competent persons may not apply for license,

(2) that the present practice in the Municipality is for the Engineer to dispose of licenses in consultation with the Health Officer,

(3) that no special rules are therefore necessary.

I have the honour to be,

Sir,

Your most obedient servant,

PRESIDENT.

MLN.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

D O No L 2228/ml

*Dated, Bangalore,* ~~22nd~~ 25th Septr. ~~1932~~ 1933

Dear Sir,

I am desired to invite your attention to this office letter No.L.2968-9 dated 17th October 1931 and correspondence ending with your letter No.G.To.382 dated 26th June 1933 in the matter of giving effect to the proposals of the Town Planning Committee for the preparation of plans of buildings and the grant of building licenses and to enquire whether the subject was considered by the Municipal Council and when your final report in the matter may be expected. The favour of a very early reply is requested.

Yours sincerely,

To

P.Krishna Rao Esq., M.A.,

Municipal Commissioner, Bangalore City.

B.L.M.2

Appendix F G—1]

SUBJECT

Section

File No

Serial No

*Diary No of letter replied to*

D o No L 2228

~~To~~

Dear Sir,

General and Revenue Secretariat

( )

*the* *193*

I am desired to invite your ~~personal~~ attention to the office letter No L 2968-9 dated 14-10-1931 & correspondence ~~& subsequent reminders~~ ending with ~~No L 3067 dated 9-6-~~ 33 and your ~~reply~~ letter No G To 382 dated 26-6-1933 on the matter of giving effect to the proposals of the Town Planning Committee for the preparation of plans of buildings ~~licenses~~ and the grant of building licenses & to enquire whether the subject was considered by the Municipal Council & when your final report on the matter may be expect

Date of issue 25/9/33

Signed by Mr A Subba Rao

List of enclosures

Copied by 22/9/33

Examined by

the favour of an early ~~immediate~~ repl

is requested

Yours sincerely

M
18/9

P. H Krishna Rao Esq M.A

M Commrs Bangalore city

Rmr

34

No G T. 382

CITY MUNICIPAL OFFICE,

*Bangalore City, Dated* 23rd June 1933

26

FROM

P H KRISHNA RAU, ESQ, M A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

R Ranga Rao, Esq.,B A ,B L ,
Chief Secretary to the Govt of Mysore,
Public Offices, Bangalore

Sir,

With reference to your letter No.L 8020/M1. dated the 6th June 1933 in the matter of giving effect to the proposals of the Town Planning Committee for the preparation of plans of buildings and the grant of building licenses, I have the honour to state that the subject is under consideration of the Council

I have the honour to be,

Sir,

Your most obedient servant,

Municipal Commissioner(In charge)

Forwarded with compliments

Hon President

vvk.2.

CITY MUNICIPAL OFFICE
BANGALORE

15.10
L Dated, 2nd October 1933.

DO 102
33 34

Dear Sir,

In reply to your D.O.No.L.2228/M1. dated 25th September 1933 in the matter of giving effect to the proposals of the Town Planning Committee, I write to inform you that the Council referred the subject to the Bye-Law Committee for opinion. The Bye-Law Committee at their meeting held on 21-9-33 have framed bye-laws and the same will be placed before the next Council meeting and their decision will be intimated.

Yours sincerely,

This may perhaps be awaited

A. Subba Rao, Esq, B.A., B.L.,
Assistant Secretary to Government,
Bangalore.

M.L.S.G-31-24

No G.To.484/Secy.Exec.

CITY MUNICIPAL OFFICE,
*Bangalore City, Dated* 28th October 1933.
1st November

2031

From

H KRISHNA RAU, ESQ, M A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

4 NOV 1933
L.R.O. BRANCH.

To

R.Ranga Rao,Esq,B.A.,B.L.,
Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

In continuation of this office letter No.G.To.382 dated 26th June 1933, in the matter of giving effect to the proposals of the Town Planning Committee for the preparation of plans of buildings and the grant of building licenses, I have the honour to state that the Chairman, Bye-law Committee, has framed bye-laws under Section 51 (1)(z) of the Mysore City Municipalities Regulation of 1933 and this was approved by the Bye-law Committee at their meeting held on 21-9-1933 subject to some modification.

The opinion of the Bye-law Committee was placed before the Council at their meeting held on 14th October 1933 and they have approved of the same.

Copies of the resolutions of the Bye-law Committee meeting dated 21-9-1933 and the Municipal Council meeting dated 14-10-1933 and also a copy of the Bye-laws are enclosed for favour of information of Government.

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

Forwarded with compliments.

Honorary President.

DRR

Proceedings of the adjourned meeting of the Municipal Bye-laws Committee held on Thursday the 21st Septr. 1933.

* * * * *

Subject No.2. To consider Municipal Engineer's memo No.T.59 dated 24-7-1933 submitting draft Bye-laws regarding grant of building licenses in Bangalore City on the lines of the resolution of the Town Planning Committee.

Read the Municipal Engineer's draft as recast by the Chairman.

Mr.S.K.Venkataranga Iyengar proposed that the power of revoking licenses should be vested in the Managing Committee.

The proposal is lost on being put to vote.

Mr.S.K.Venkataranga Iyengar proposed the deletion of the provision fixing the maximum remuneration of the license.

The proposal is carried by a majority.

Resolution:- Subject to this modification to draft as recast by the Chairman hereto annexed is approved.

At the instance of Mr.S.K.Venkatarangiengar a Bye-law providing for appeal to the Council in case of refusal or revocation of license is added.

Sd. M.P.Somasekhara Rao,
Chairman.

"Copy"

Municipal Commissioner.

DRR

Bye-laws framed under Section 51(1) (x) of the Mysore City Municipalities Regulation VII of 1933, for licensing Surveyors, etc. in the Bangalore City.

*****

1. Every plan to be furnished to the Municipality under Section 115 of the Mysore City Municipalities Regulation 1933 shall be prepared by a person who has obtained a license in this behalf from the Municipal Council.

2. No person shall be licensed under these Bye-laws to prepare plans required under Section 115 of the Mysore City Municipalities Regulation, unless he possesses one of the following qualifications

(a) A degree in Civil Engineering of any Indian or British Universities.

(b) A certificate as fully qualified Overseer, Sub-Overseer, Surveyor or Draftsman from any Institution recognised by the Mysore Government or Local Government in British India and has undergone practical training by working under a qualified Civil Engineer for not less than two years or has had practical experience for a like period.

3. A fee of Rs.2/- per year or part thereof shall be charged for every license granted under these Bye-laws.

4. No such license shall be granted for more than one year. Every such license shall be granted so as to expire with an official year.

5. A license granted under these Bye-laws may be renewed by the Municipal Commissioner after the expiry thereof on the application of the licensee and on payment of the license fee of Rs.2/-. An application for the renewal of such license shall be ade before the end of the first month of every official year provided it shall be competent for the Municipal Commissioner to grant an application for renewal made after the expiry of the first month of the Official year when he is satisfied that there was sufficient cause for not applying in time.

6. Applications for licenses or for renewal of licenses under these bye-laws shall be made in the following form to the

the Municipal Commissioner and shall contain the following particulars:-

Form of application.

Application for license to prepare plans of buildings as required in the Bye-laws framed under Section 51 (1) (z) of the Mysore City Municipalities Regulation VII of 1933.

Applicant's name in full.

A g e.

Father's name.

Place of residence or business in the City.

Qualifications.

Whether the application is for a license or for renewal of a license.

I have read and understood the Bye-laws framed under Section 51(1)(z) and bind myself to abide by them in the preparation of building plans.

Date .. .. Signature of the Applicant and Address.

7. The Municipal Commissionermay refuse to grant or renew a license under these Bye-laws on the ground of the applicant's incompetency or misconduct or for any other sufficient reason.

Explanation. Any infringement of these bye-laws or of the conditions of the license shall be deemed to be misconduct within the meaning of this bye-law.

8. Every license granted here under shall be in the form shown in schedule hereunto. The conditions to be specified in the license in accordance with the said form shall be deemed to be a part of these bye-laws.

9. A license granted or renewed under these Bye-laws may be revoked when any of these Bye-laws or conditions of the license are infringed by the holder of the license.

10. An appeal shall lie to the Council from an order refusing to grant or renew a license or revoking a license.

11. Any person infringing these bye-laws shall be liable to be punished with a fine not exceeding Rs.25/-.

## Schedule.

Under Bye-laws framed under Section 51(1)(z) of the Mysore City Municipalities Regulation VII of 1933.

Mr. ... ...

Address. .. ...

is hereby licensed to prepare plans required under Section 115 of the said Regulation subject to the following conditions:-

1. Plans shall be prepared on drawing paper or tracing cloth and shall be inked and signed by him.
2. The licensee shall provide himself with a copy of building bye-laws in force and prepare plans in conformity therewith.
3. He shall maintain a register of all plans ~~xxxxxxxx~~ submitted by him to the Municipality for a building license showing the fee charged in each case and whether ~~and~~ the plan was accepted or not.
4. The register shall be produced for the inspection of the Municipal Commissioner or any officer deputed by him.

Sd. M.P.Somasekhara Rao,
Chairman.

"Copy"

Municipal Commissioner.

DRR.

No. 9.

Proceedings of the Ordinary General meeting of the City Municipal Council, Bangalore, held on Saturday the 14th October 1933 at 12 noon in the Council Chamber of the City Municipal Office, Bangalore.

P r e s e n t.

B.K.Garudachar,Esq, ( Honorary President.)

Councillors.

1. Sri Srirangamma,
2. Mr.C.N.Narasinga Rao,
3. Mr. K.T.Bhashyam Iengar,
4. Mr.S.K.Venkatarangiengar,
5. Mr. P.Subbarama Chetty,
6. Mr. Ramlal Tiwari,
7. Mr.B.S.Sankarappa Setty,
8. Mr.Y.H.Venkataramanappa.
9. Mr.D.Venkataramanappa,
10. Mr.K.Srikantiah,
11. Mr. Khaja Khader Mohmed Sheriff
12. Mr.Abdul Majid,
13. Mr. Mohamed Hussain,
14. Dr. M.Koyan,
15. Mr.B.Kempanna,
16. Mr.Thangavelu Pillay.

A b s e n t.

1. Mr. W.H.Hanumantappa,
2. Mr.Belur Srinivasiengar,
3. Mr.Hoskote Bhadrappa,
4. Mr.B.L.Byanna,
5. Mr.D.Gopalakrishna Rao.
6. Dr.D.S.Ramachandra Rao.
7. Mr. M.P.Somasekhara Rao,
8. Mr.S.Venkatapathiah,
9. Mr.M.Balakrishniah,
10. Mr.S.V.Srinivasa Setty,
11. Mr.O.S.Nasrulla Sheriff,
12. Mr.B.D.Naidu.

Vacant 1.

3. To approve the deaft bye-laws framed by the Bye-law Committee in their meeting held on 21st September1933 in the matter of grant of building licenses in Bangalore City, on the lines of the resolution of the Town Planning Committee.

Resolution:- A p p r o v e d.

Sd. B.K.Garudachar,
HONORARY PRESIDENT.

" COPY "

MUNICIPAL COMMISSIONER.

DRR.

L9121/ Ml:84-31-25 29-6-34

To

The Municipal Commissioner,

Bangalore City.

Through

The President.

Sir,

With reference to the correspondence ending with your letter No.G.To.149 dated the 1st Novr. 1933 forwarding copies of the resolutions of the By-Law Committee and the Municipal Council approving the by-laws framed by the Municipal Council under Sec. 51 (1) (z) of the Mysore City Municipalities Regulation, 1933, for the preparation of plans of buildings and the grant of building licenses in Bangalore City, I am directed to state as follows -

(1) By-law No.1 requires every plan to be furnished under Sec. 115 of the Regulation to be prepared by a person duly licensed on this behalf. Section 115 provides for a plan being furnished only if it is so required by a by-law or special order. It is by-law (2) of the building by-laws sanctioned in G.O. No.L.1839/Ml. 84-25-153 dated 24th September 1927 that requires the plan as prescribed therein to be furnished. By-law (1) now proposed therefore has to refer to by-law (2) of the building by-laws rather than to Section 115. Moreover such a by-law ~~such as by-law No.(1)~~ comes under Sec. 51 (w) rather than under Clause (2) of the said Section, Instead of having a new by-law as proposed by-law No.(2) of the building by-laws may be amended as follows .-

p.t.o.

" Such notice shall be accompanied with a site plan in duplicate of the land on which the structure is proposed to be built, drawn by a person duly licensed ~~made~~ under by-laws framed under section 51 (3) and to a scale not less than 20 ft to an inch, showing etc.,

(2) By-law No.5 contemplates the levy of a fee for renewal of license granted. A fee could be charged on a license only under ~~old section 48 (3) the present~~ new section 51 (4) of the Mysore City Municipalities Regulation, 1933. A fee charged for a renewal might be in the nature of a recurring fee and would therefore be invalid. In order to avoid this difficulty, the period for which the license may be granted ~~might~~ may be fixed so that at the expiry of such period, the applicant ~~xxkkxx~~ will have to take out a fresh license paying a fresh fee.

Corresponding to Sec 48(3) of the old Regulation

(3) By-law No.7 empowers the Municipal Commissioner to refuse to grant a license for reasons specified therein. The power of granting a license is given to the Municipal Council under by-law No.1, whereas by-law No.5 empowers the Municipal Commissioner to renew such licenses and not grant them. If it is also meant to give the Municipal Commissioner power to grant licenses, by-law No 1 will have to be suitably modified.

(4) By-law No 10 provides for an appeal to the Municipal Council in general terms against an order refusing to grant or renew a license or revoking a license. There could be no appeal to the Council in cases in which the Municipal Council

Council itself refuses to grant a license. This by-law will have to be modified so as to provide for an appeal only against the order of the Municipal Commissioners Council.

2. I am to request that the by-laws in question may be revised in the light of the above suggestions and submitted for the approval of Government after observing the formalities prescribed under Sec. 51 (2) and (3) of the Mysore City Municipalities Regulation, 1933, together with the objections, if any, received and the opinion of the Municipal Council thereon.

I have etc.,

Chief Secy to Govt.,

ACH.

Considered
Bdrs
25/6/34

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. L 9121/ML 84-31-25 Bangalore, Dated, 29th June 1934

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

The Municipal Commissioner, Bangalore City,
Through the President, Bangalore City Municipal Council.

Sir,

With reference to the correspondence ending with your letter No.G.To.149 dated the 1st November 1933 forwarding copies of the resolutions of the By-Law Committee and the Municipal Council approving of the by-laws framed by the Municipal Council under Section 51 (1) (z) of the Mysore City Municipalities Regulation, 1933, for the preparation of plans of buildings and the grant of building licenses in Bangalore City, I am directed to state as follows:-

(1) By-law No.1 requires every plan to be furnished under Section 115 of the Regulation to be prepared by a person duly licensed in this behalf. Section 115 provides for a plan being furnished only if it is so required by a by-law or special order. It is by-law (2) of the building by-laws sanctioned in Government Order No.L.1839/Ml.84-25-153 dated 24th September 1927 that requires the plan as prescribed therein to be furnished. By-law (1) now proposed therefore has to refer to by-law (2) of the Building by-laws rather than to section 115. Moreover such a by-law cores under Section 51 (W) rather than under Clause (2) of the said section. Instead of having a new by-law as proposed, by-law No.(2) of the building by-laws may be amended as follows:-

"Such notice shall be accompanied with a site plan in duplicate of the land on which the structure is proposed to be built, drawn by a person duly licensed under by-laws framed under Section 51 (Z) and to a scale not less than 20 ft to an inch, showing etc.,

(2) By-law No.5 contemplates the levy of a fee for renewal of license granted. A fee could be charged on a license only under section 51 (Z) of the Mysore City Municipalities Regulation, 1933 corresponding to section 48 (S) of the Old Regulation. A fee charged for a renewal might be in the nature of a recurring fee and would therefore be invalid. In order to avoid this difficulty, the period for which the license may be granted may be fixed so that at the expiry of such period, the applicant will have to take out a fresh license paying a fresh fee.

(3) By-law No.7 empowers the Municipal Commissioner to refuse to grant a license for reasons specified therein. The power of granting a license is given to the Municipal Council under by-law No.1, whereas by-law No.5 empowers the Municipal Commissioner to renew such licenses and not grant them. If it is also meant to give the Municipal Commissioner power to grant licenses, by-law No.1 will have to be suitably modified.

(4) By-law No.10 provides for an appeal to the Municipal Council in general terms against an order refusing to grant or renew a license or revoking a license. There could be no appeal to the Council in cases in which the Municipal Council itself refuses to grant a license. This by-law will have to be modified so as to provide for an appeal only against the order of the Municipal Commissioner.

2. I am to request that the by-laws in question may be revised in the light of the above suggestions and submitted for the approval of Government, after observing the formalities prescribed under Section 51 (2) and (3) of the Mysore City Municipalities Regulation, 1933, together with the objections, if any, received and the opinion of the Municipal Council thereon.

I have the honor to be,
Sir,
Your most obedient servant,

for Chief Secretary to Government.

S.K.M.2